

AMENDED IN SENATE JUNE 19, 2014

AMENDED IN ASSEMBLY APRIL 22, 2014

AMENDED IN ASSEMBLY APRIL 3, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 2287

**Introduced by Assembly Member Pan
(Coauthor: Assembly Member Skinner)**

February 21, 2014

An act to add Section 49557.25 to the Education Code, relating to school nutrition.

LEGISLATIVE COUNSEL'S DIGEST

AB 2287, as amended, Pan. Free and reduced-price meals: gluten-free meals.

Existing law provides for a school lunch program under which eligible pupils receive free or reduced-price meals.

This bill would ~~authorize a school district or county superintendent of schools to incorporate~~ *require school districts and county superintendents of schools to consider incorporating* into the free or ~~reduced-priced~~ *reduced-price* meals application packet or notification of eligibility for the free or ~~reduced-priced~~ *reduced-price* meals program a notification and request for a gluten-free meal if a child qualifies for free or ~~reduced-priced~~ *reduced-price* school meals and the child has ~~an individualized education program authorizing a statement from a licensed physician supporting a need for~~ gluten-free meals, as specified. The bill would ~~encourage schools~~ *require school districts and county superintendents of schools to make* consider making meal substitutions for ~~a any~~ pupil who does not meet the definition of disability pursuant

to federal law but does have celiac disease, a wheat allergy, or a gluten intolerance and the pupil has provided a written statement to the school signed by a ~~recognized medical authority~~ *licensed physician* identifying the pupil as having one of these conditions. *By imposing additional requirements on school districts and county superintendents of schools, the bill would create a state-mandated local program.*

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) Celiac disease, also known as celiac sprue or gluten-sensitive
- 4 enteropathy, is a permanent intolerance to the gliadin fraction of
- 5 wheat protein and related alcohol-soluble prolamines found in rye
- 6 and barley, commonly known as gluten.
- 7 (b) For people with celiac disease, exposure to gluten causes
- 8 an autoimmune condition where the body starts attacking normal
- 9 intestinal tissue. In response to eating gluten, the body destroys
- 10 the intestinal villi, which are the small, finger-like projections in
- 11 the small intestine that absorb nutrients from food. Repeated
- 12 exposure to gluten, and resulting intestinal inflammation and
- 13 destruction of the villi, leads to malabsorption of food, iron
- 14 deficiency anemia, osteopenia, osteoporosis, increased risk of
- 15 developing other autoimmune disorders, and ~~gastrointestinal~~
- 16 *gastrointestinal* cancers.
- 17 (c) Gluten intolerance and wheat allergies may include reactions
- 18 in the skin, mouth, ~~gastrointestinal~~ *gastrointestinal* tract, and
- 19 lungs and cause rashes, wheezing, lip swelling, gassiness,
- 20 abdominal pain, abdominal distention or constipation, and diarrhea.

(d) The National Institutes of Health estimates that 1 in 133 people with no genetic risk factors have celiac disease, while up to 1 in 22 people with genetic risk factors have celiac disease. Gluten intolerance and wheat allergy are even more common, with wheat allergy being one of the top eight food allergies in the United States.

(e) Federal regulations, Part 15b of Subtitle A of Title 7 of the Code of Federal Regulations, require substitutions or modifications in school meals for children whose disabilities restrict their diets. A child with a disability must be provided substitutions in foods when that need is supported by a statement signed by a licensed physician.

~~(f) Gluten-free foods are available at prices that are comparable to foods made with wheat, rye, and barley.~~

SEC. 2. Section 49557.25 is added to the Education Code, immediately following Section 49557.2, to read:

49557.25. (a) ~~At the option of the school district or School districts and county superintendent of schools, superintendents of schools shall consider incorporating~~ the following information ~~may be incorporated~~ into the free or reduced-price meals application packet or notification of eligibility for the free or ~~reduced-priced~~ *reduced-price* meals program using simple and culturally appropriate language:

(1) A notification that if a child qualifies for free or ~~reduced-priced~~ *reduced-price* school meals and the child has ~~an individualized education program authorizing a statement from a licensed physician supporting a need for~~ gluten-free meals, then the child may request a gluten-free meal.

(2) A request for the applicant's consent for the child to receive a gluten-free meal if eligible for free or reduced-price school meals and the child has ~~an individualized education program authorizing a statement from a licensed physician supporting a need for~~ gluten-free meals.

(b) ~~The Legislature encourages schools to make~~ *School districts and county superintendents of schools shall consider making meal substitutions for* ~~a~~ *any* pupil who satisfies all of the following criteria:

(1) Does not meet the definition of disability pursuant to federal law.

(2) Has celiac disease, a wheat allergy, or a gluten intolerance.

1 (3) Has provided a written statement to the school signed by a
2 ~~recognized medical authority~~ *licensed physician* identifying the
3 pupil as having one of the conditions listed in paragraph (2).

4 (c) Effective January 1, 2015, the notifications referenced in
5 subdivision (a) shall comply with the federal Americans with
6 Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.) and any
7 other applicable federal or state disabled access law.

8 (d) A school district also may include the notifications detailed
9 in subdivision (a) in the notifications at the beginning of the first
10 semester or quarter of the regular school term required pursuant
11 to Section 48980.

12 *SEC. 3. If the Commission on State Mandates determines that*
13 *this act contains costs mandated by the state, reimbursement to*
14 *local agencies and school districts for those costs shall be made*
15 *pursuant to Part 7 (commencing with Section 17500) of Division*
16 *4 of Title 2 of the Government Code.*